

SIDE LETTER AGREEMENT

BETWEEN

THE CITY OF SAN JOSE

AND

THE MUNICIPAL EMPLOYEES' FEDERATION, AFSCME, LOCAL 101 (MEF)

Shifts for Community Service Officers I/II and Senior Community Service Officers in the Police Department

The City and the Union acknowledge that the MEF Memorandum of Agreement has the following language regarding unpaid lunches:

- 7.3 The normal work schedule shall be forty (40)-hours consisting of five (5) consecutive days of eight (8) hours each, exclusive of a lunch period of at least thirty (30) minutes, Monday through Friday. Insofar as is possible, lunch periods shall be scheduled in the middle of the shift. The length of any lunch period is subject to supervisory approval.*

Full-time employees in the Community Service Officer I/II classification (6131/6132) and/or in the Senior Community Service Officer classification (6133) in the San Jose Police Department (SJPd) currently have an unpaid lunch period during the middle of their shift.

In recognition of the following circumstances, effective the beginning of the pay period determined by the SJPd after this agreement has been signed and executed, full-time employees in the Community Service Officer I/II classification (6131/6132) and/or in the Senior Community Service Officer classification (6133) will work without an unpaid lunch period during their shift, including but not limited to working a straight ten (10) hour shift for four (4) days a week without an unpaid lunch. This change is in recognition of the following:

- For the duration of their work shift, full-time employees in the Community Service Officer I/II classification (6131/6132) and in the Senior Community Service Officer classification (6133) will be required to perform activities that are work related and, during their work shift, they may not be relieved of active work time. If an employee needs to be relieved of active work time for any period of time during their work shift, they must request to use their own leave and such requests are subject to supervisory approval prior to the use of such leave.

- An employee is not required to use their leave to take their two (2) fifteen (15) minute breaks (or rest periods), which cannot be combined. Insofar as is possible, breaks (or rest periods) shall be scheduled in the middle of each half of the shift. It is understood and agreed that the inability to permit an employee to take a rest period shall not be a basis for any claim for overtime compensation.
- For the duration of their shift, full-time employees in the Community Service Officer I/II classification (6131/6132) and in the Senior Community Service Officer classification (6133) may be required to respond to emergency calls and must be available to perform activities that are work related during their entire work shift. If an employee is unavailable to perform activities that are work related for any reason during their work shift, they must request to use their own leave and such requests are subject to supervisory approval prior to the use of such leave.

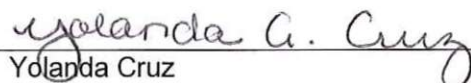
This side letter shall become effective the beginning of the pay-period as determined by the SJPd after this agreement is signed by all parties below.

FOR THE CITY:

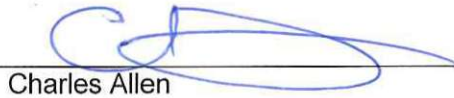
 6/6/16

Jennifer Schembri Date
Director of Employee Relations

FOR THE UNION:

 6/6/16

Yolanda Cruz Date
President
MEF, AFSCME, Local 101

 6-6-16

Charles Allen Date
Business Agent
AFSCME, Local 101